

# Liberty Versus the State: A Libertarian Apology

## Part I: Liberty

All decent men, regardless of location and time, have extolled liberty. Indeed, it's difficult to imagine a well-respected person who opposes liberty. To be sure, we may disagree about *how* to achieve liberty or *to what extent* we should value liberty. Nevertheless, we are all united by our desire and appreciation for liberty.

Why do we all want liberty? After all, the individuality and variation among men usually guarantees stark differences in opinions. With liberty, however, it's quite the opposite. For it's *this recognition* of man's individuality that induces us to value liberty. When we are free, our many variations can be expressed concurrently, because liberty only serves to grant us more options, not fewer. We each have our own desires and preferences, which are only satisfied as best they can be if we have the liberty to do so. It is this distinctive feature of liberty that causes us all to value it so highly.

Now that the significance of liberty is understood, we turn to one of the most important questions for mankind: How can liberty best be achieved? Simply put, liberty is maximized when every individual is free to do as he wishes, on the condition that he does not infringe upon others' right to enjoy the same liberty. This proviso is necessary and universal, for if one were entitled to violate and undermine others' liberty, how could he justify having any liberty himself? It is therefore unjust and illegitimate to violate this proviso. It's worth elaborating on what constitutes an encroachment of others' rights. One is said to *aggress* against another if he initiates (or threatens to initiate) physical force against another man's person or justly acquired property. Conversely, physical force is only legitimate as a form of self-defense or retaliation against those who commit aggression. This indispensable tenet of liberty is known as the *nonaggression principle*.

The rights entailed by the nonaggression principle are not merely the arbitrary creations of one's culture or government; they are *natural rights* we possess by virtue of our human nature, which are grounded in morality and discoverable through reason and intuition. To deny the nonaggression principle or its implications is to neglect the *self-ownership axiom* (i.e., every individual is entitled to his

own person). These rights must therefore be universal and inalienable in order for us to fully embody our human nature. We may now arrive at the vital realization that our natural rights are more fundamental than any man-made law. Thus, in order to achieve a free society, the law and its enforcement must accord with morality and the nonaggression principle. When unperverted, the law is a much needed instrument for combating threats to liberty and justice. However, when the law fails to accord with the nonaggression principle, the law itself becomes a threat to the very liberty it was supposed to uphold. In fact, the universality of the nonaggression principle implies that enforcing these unjust laws is a violation of rights. Furthermore, as these laws disregard and contradict morality, they cannot possibly be morally binding.

Most of the immediate consequences of the nonaggression principle appear self-evident to anyone with a conscience. If one may not initiate physical force against another, then he may not rape, kidnap, enslave, torture, or murder another (notice that retaliatory attacking or killing can be justified as a form of defense against an aggressor). In short, any initiatory coercion or attack against another is forbidden.

What of property rights? As men are not self-subsistent, they must occupy land, acquire scarce resources, and transform these resources in order to survive. Thus, some conception of property rights is necessary for the survival of man. How can this be justified within the framework of the nonaggression principle? If one may do as he wishes with his person free of coercion, it follows that one is entitled to control the exercise of his faculties (i.e., his labor). When one exerts his labor to transform acquired resources, the natural materials are *mixed* with his labor, so to speak. We must then ask ourselves, if a man is entitled to his labor, is he not by extension entitled to the products of his labor? Would it not be a blatant disregard of the man's effort, energy, and time to act as if one has a higher claim to the fruits of his labor than he does? Through this line of reasoning, we have ascertained the *homestead principle*, the principle that one becomes the just owner of a scarce resource either through transforming or maintaining an unowned resource using one's labor or receiving a property by voluntary exchange or gift from a previous owner.

We've demonstrated that in a free society, the law must adamantly defend people's life, liberty, and property. The law must therefore not violate anyone's life, liberty, or property; otherwise it would go against its very purpose. In order to understand how the law could do this, we need to examine

what a law entails. In essence, a law is a threat to use physical force against anyone who breaches it. To recognize this, consider the consequences of disobeying a law. If the law is severe, one may be forcibly incarcerated or killed if he actively resists. For minor offenses, one may receive a fine, probation, or short-term incarceration. One must remember that these punishments are backed by physical force; if one does not comply with his punishment, he will receive further punishment, such as forceful incarceration for long periods of time or death if he continues to resist. The physical force may be a few steps removed from the initial punishment, but it must not be forgotten.

Per the nonaggression principle, physical force is only legitimate as retaliation against an aggressor. The law, being a threat to use physical force, must therefore only threaten to use such force against those who commit aggression. In other words, the law shall not forbid any act which does not violate the nonaggression principle, even if one deems the act immoral. Examining the law with this radical realization, we will find that many present laws are illegitimate and thus a threat to liberty, justice, and peace. In the following section, we will further investigate the implications thereof.

## Part II: The State

Having deduced that the law—the organized repulsion of aggression—is a requisite for liberty, many erroneously conclude that the state is also a requisite for liberty. This *non sequitur*, which has managed to pervade nearly all of modern political thought, rests on the supposed inextricable link between the law and the state. But as we will see, not only has the state perverted the law in countless ways—using it to encroach on rights rather than protect them, extend avarice rather than contain it, and massacre its people rather than defend them—the law, properly understood, is inherently incompatible with the state. The state itself is against the law.

We cannot even begin to enumerate the ways in which the state patently violates the nonaggression principle. In most countries, the state proscribes such victimless “crimes” as prostitution, drug use, voluntary euthanasia, gambling, and driving without a seat belt. The state neglects the all-important right to self-defense by restricting or barring people from owning weapons, especially firearms. The state interferes with the right to voluntarily exchange property on the free market through its monopolization of essential goods and services and its myriad of economic regulations and prohibitions. The state extorts its inhabitants’ property through asset forfeiture and

eminent domain laws. All of these laws are unjust because they either forbid peaceful acts not in violation of the nonaggression principle or force people to surrender what is rightfully theirs. Of course, that these acts ought to be legal does *not* imply they are moral, prudent, or economical, but rather that no one—not even members of the government—may forcefully preclude another from choosing to do such an act by his own free will.

But the enforcement of unjust laws pales in comparison to the state's greatest crimes against humanity. Even worse, the rulers of the state habitually commit these crimes out in the open, impudently claiming they have the rightful "authority" to do so. Almost everyone would immediately decry these acts if done by private individuals, and since the government is composed of nothing more than a group of individuals, we must make no moral exemptions for them; for no document (e.g., a constitution) can *alter* morality or confer rights its signatories do not have. We have thus arrived at *libertarianism*, the doctrine that consistently applies morality and the nonaggression principle to everyone. Let us now examine the state through the libertarian lens, that is, stripped of its rhetoric and sophistry.

Government wars are mass murder. All modern government wars kill and maim countless innocent civilians, none of whom are implicated in the crimes their government purportedly committed. The state's rulers blur this by saying "we, Ruritania, are attacking Waldavia for their heinous actions", by which they mean "we, the Ruritanian *government*, are attacking Waldavians for *their government's* heinous actions." Surely slaughtering people and invading their land as punishment for crimes they did not commit violates the most basic principles of justice (even if some culpable people are slaughtered as well). Nothing could be more destructive to human life, liberty, and property than war. Yet sickeningly, the state takes pride in its mass murder, commemorates its killers, and antagonizes its victims. Thus, through centuries of propaganda, the state has made much of the populace tribally get behind the worst atrocities to ever plague humanity.

And how does the state recruit its combatants? In many cases, it enslaves them through conscription. When the state, by the caprice or belligerence of its foreign policy advisors, goes to war, the conscripts are forced to leave their families, jeopardize their lives, kill people, and obey their commanding officers' orders, even if their consciences tell them otherwise. In short, they are no longer treated as self-owners, but merely means to politicians' ends. So what is the state's justification for

enslaving its people? To “protect our freedom”, its rulers ironically proclaim. In other words, to protect our freedom, we must grant the ultimate threat to our freedom—the state—the power to violently enslave us as it sees fit. It clearly follows from the nonaggression principle that even if one is in peril, neither he nor anyone else may coerce his fellow men to protect him. Besides, defense can be provided voluntarily, like almost every other good and service. If the state were willing to pay military personnel market wages, they could be hired on the free market just as effectively as other essential workers. The added cost for military personnel would also ensure that wars are only fought when necessary; and therein lies the true reason for conscription.

The state spends an unfathomable amount of money on its many agencies. Unlike every other institution in society though, which earn their money voluntarily on the free market (except for criminals), the state is parasitically funded through theft, called taxation. Imagine what would happen if one ignored the state’s demand to pay taxes. After enough resistance, the state would send its armed agents to confiscate his property or incarcerate him, using violence if necessary. If this threat implicit in all taxes did not exist, very few people would pay. Thus, the state obtains its tax revenue by threatening to ultimately throw its subjects in a cage or expropriate their justly acquired property. Taxation is therefore extortion by definition, a type of theft. But taxation is worse than theft. Private thieves at least leave their victims alone after robbing them; they do not continually demand more money year after year as the state does. Nor do they pretend to have a *rightful* claim to the fruits of one’s labor as the state does in direct contradiction to the homestead principle. In taxing us, the state therefore treats us as partial slaves, who are only entitled to the portion of our income that it permits. Thus, the state considers us all subhuman, as sources of revenue from which as much money as possible can be siphoned into their coffers.

One may object that the citizens agree to be taxed by living in the jurisdiction of the state. As an analogy, tenants agree to pay rent by living on a landlord’s property. However, the landlord obviously cannot force people living on their own property to pay him rent. The landlord only has the right to impose conditions on his property. Thus, this argument depends on the state’s being the rightful owner of the land throughout its vast jurisdiction. But when we look to the origins of all governments, we do not find homesteading of unowned land or voluntary exchange, but rather usurpation or conquest of much of the region. The analogy therefore fails.

Another objection holds that taxation is a fee for the services the state provides; by requesting the service, a customer agrees to pay for it. But the state's "services" were never requested; unlike all other services, we cannot opt out or take our business elsewhere. Even if we refrain from using these "services", the state still forces us to pay for them. Thus, the citizens do not consent to be taxed by receiving or using state "services". And these considerations point to yet another moral flaw of the state. The state actively maintains a monopoly of essential industries (e.g., police, courts, and national defense). Rather than encourage competition to improve the quality and price of vital services, the state bars any and all competition with itself; no one may establish an institution alongside the government performing the same functions. The state's claim to the monopoly on violence ensures the power to exploit said violence will inevitably fall in the hands of tyrants. The state therefore serves as a portal through which megalomaniacs' lust for power can be satiated.

We have hereby proved the political status quo to be fundamentally coercive, immoral, parasitic, murderous, and overall a hindrance to the well-being of our race. But could the state be rid of its ethical quagmires while still existing? No. All functioning states, as if by definition, (a) claim and enforce their monopolies throughout their respective territories and (b) obtain their revenue compulsorily, through taxation. But we have already concluded (a) and (b) are both among the state's many transgressions. Therefore, *the state's existence is necessarily incompatible with liberty*. This deduction is inescapable from the axiomatic nonaggression principle.

We libertarians seek a *voluntary society* free of the state's violent rule. This does not, however, mean we object to some of the state's current functions being done privately. Said functions can be split into that which can be done voluntarily and that which must be done through systematic coercion. If it can be done voluntarily, then why use the state? And if it must be done through systematic coercion, do we really want it? Thus, the libertarian favors the privatization of the former functions and the abolition of the latter.

In the name of self-ownership, the nonaggression principle, and property rights, we will dissolve the state in all its forms. Tyranny will be no more; liberty will win. For the truth cannot be stopped, especially when it's as plain as it is. And as we have shown, only an absolute escape from statism can truly achieve liberty. Advocating and fighting for libertarianism, the intellectual edifice of liberty, is the most sensible path to abolishing the state, after which freedom will finally obtain.

## Appendix: Further Reading

The following is a nonexhaustive list of works about liberty and its antithesis, the state:

- *The Law* by Frédéric Bastiat (1850)
- “No Treason: The Constitution of No Authority” by Lysander Spooner (1870)
- *The Road to Serfdom* by Friedrich Hayek (1944)
- *Economics in One Lesson* by Henry Hazlitt (1946)
- *The Market for Liberty* by Morris and Linda Tannehill (1970)
- *For a New Liberty* by Murray Rothbard (1973)
- *The Machinery of Freedom* by David Friedman (1973)
- *Anarchy, State, and Utopia* by Robert Nozick (1974)
- “Anatomy of the State” by Murray Rothbard (1974)
- *Defending the Undefendable* by Walter Block (1976)
- *The Ethics of Liberty* by Murray Rothbard (1982)
- *Chaos Theory* by Robert Murphy (2002)
- *The Problem of Political Authority* by Michael Huemer (2013)

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